



**CITY OF BEAVERTON  
STAFF REPORT**

**HEARING DATE:** July 18, 2018

**STAFF REPORT DATE:** July 11, 2018

**TO:** Planning Commission

**STAFF:** Elena Sasin, Associate Planner

**SUBJECT:** **TA2018-0001 (FEMA Floodplain Map Update Text Amendment)**

**REQUEST:** The City proposes to amend the Beaverton Development Code to adopt the Letter of Final Determination provided by FEMA, dated April 19, 2018, with accompanying Flood Insurance Rate Maps, flood profiles and related data for Washington County and Incorporated Areas, revising and replacing four panels of the current County-Wide Floodplain study, 'The Flood Insurance Study for Washington County, Oregon and Incorporated Areas' dated November 4, 2016. The amendment also proposes adopting language related to facilities within the floodplain, as required by FEMA. The update affects Chapters 60 and 90 of the Development Code.

**APPLICANT:** City of Beaverton

**APPLICABLE CRITERIA:** Development Code Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria)

**RECOMMENDATION:** Staff recommend the Planning Commission review the proposal, take public testimony, deliberate on the proposal and make a recommendation to City Council.

**1. Summary of Proposed Text Amendment**

The text amendment proposes to adopt FEMA's Letter of Final Determination, dated April 19, 2018, and its accompanying Flood Insurance Rate Maps, flood profiles and related data for Washington County and Incorporated areas. This letter revises and replaces four panels (363, 364, 527 and 529) of the most recently adopted County-wide Floodplain Study, dated November 4, 2016 studies and maps which are already a part of the Beaverton Development Code (Ordinance 2050). The revised FEMA Flood Insurance Rate Map (FIRM) is being adopted to ensure that the City of Beaverton remains in good standing under the National Flood Insurance Program.

The City of Beaverton code requires that the best available information on flooding be used to protect new development or redevelopment of properties. The data shown on these new maps has been used for all development projects for approximately one and half years already, this process is to formally adopt the study to comply with FEMA requirements. The proposed text amendment also includes additional language for the definition of 'Basement' in Chapter 90 of the Development Code and adds a new definition of 'Below-Grade Crawl Space'. These proposed changes must be adopted by October 19, 2018 for the City of Beaverton to remain eligible to participate in the National Flood Insurance Program.

## **2. Public Comment**

Public notice was provided consistent with Section 50.50 of the Development Code. A couple phone calls requesting further information were received by staff, however no formal comments have been submitted to the public record as of the date of issuance of the staff report. Staff have also not received any written comments from Metro or Oregon DLCD staff.

## **3. Facts and Findings**

Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA2018-0001 (FEMA Floodplain Map Update Text Amendment):

### ***Development Code Approval Criteria***

#### ***1. The proposal satisfies the threshold requirements for a Text Amendment application.***

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is proposed any change to the Development Code, excluding changes to the zoning map. TA2018-0001 proposes to make changes to chapters 60 and 90 of the Development Code, as shown in Exhibit 1. Therefore, staff find that approval criterion 1 has been met.

#### ***2. All City application fees related to the application under consideration by the decision-making authority have been submitted.***

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a City initiated application are not required where the application fee would be paid from the City's General Fund. The Planning Division, which is a General

Fund program, initiated the application. Therefore, the payment of an application fee is not required. Therefore, staff find that approval criterion 2 is not applicable.

**3.     *The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.***

Metro's Urban Growth Management Functional Plan (UGMFP) is the document that defines how local governments are to implement the Metro Regional Goals and Objectives. The UGMFP is comprised of the following titles:

- Title 1: Housing Capacity
- Title 2: Regional Parking Policy (Repealed and moved to  
Regional Transportation Functional Plan (RTFP), Section 3.08)
- Title 3: Water Quality and Flood Management
- Title 4: Industrial and Other Employment Areas
- Title 5: Neighbor Cities and Rural Reserves (Repealed)
- Title 6: Centers, Corridors, Station Communities and Main Streets
- Title 7: Housing Choice
- Title 8: Compliance Procedures
- Title 9: Performance Measures (Repealed)
- Title 10: Definitions
- Title 11: Planning for New Urban Areas
- Title 12: Protection of Residential Neighborhoods
- Title 13: Nature in Neighborhoods
- Title 14: Urban Growth Boundary

The City is required to bring its land use regulations into conformance with the UGMFP. The Development Code has been amended over time to comply with the Policies of the UGMFP. This proposed text amendment does not conflict with the UGMFP.

No new land uses are proposed, the intent of the adoption is to codify the now adopted FEMA maps which the City has been using for approximately a year and a half to guide development. No substantive changes are proposed which would conflict with the UGMFP. Therefore, staff find that approval criterion 3 has been met.

**4.     *The proposed text amendment is consistent with the City's Comprehensive Plan.***

Staff find that goal 8.7.1 Flood Hazard is applicable to the proposal.

*8.7.1 Goal: Maintain the functions and values of floodplains, to allow for the storage and conveyance of stream flows and to minimize the loss of life and property.*

*Policy a) Utilize uniform or complimentary interjurisdictional floodplain development and management programs to reduce flood hazards, protect natural resources, and permit reasonable development.*

The purpose of the proposed text amendment is to adopt the most recent update to the Washington County wide flood study. All jurisdictions within Washington County are required by FEMA to adopt this study, which will allow a uniform inter-jurisdictional floodplain map.

Comprehensive Plan Compliance Summary. Therefore, staff find that the proposed amendment complies with all applicable Comprehensive Plan policies and is consistent with the City's Comprehensive Plan and that approval criterion four has been met.

**5. *The proposed text amendment is consistent with other provisions within the City's Development Code.***

Staff proposes to modify Chapter 60 and Chapter 90 of the development code to implement the most recent update to the Washington County wide flood study. The proposed amendments do not create conflicts with other provisions of the Development Code. Therefore, staff find that the approval criterion has been met.

**6. *The proposed amendment is consistent with all applicable City ordinance requirements and regulations.***

Staff has not identified any other applicable City ordinance requirements and regulations that would be affected by the proposed text amendment. Therefore, staff find that approval criterion 6 has been met.

**7. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

Staff have determined that there are no other applications and documents related to the request that will require further City approval. Therefore, staff find that approval criterion 7 has been met.

***Other applicable approval criteria***

As a post-acknowledgement amendment to the City's Development Code, the proposed text amendment is subject to ORS 197.175(1), which requires that the City demonstrate that the proposed text amendment be consistent with the relevant Statewide Planning Goals. Staff have determined that the following goals apply:

Goal 1

Goal 2

Goal 6

Goal 11

*Goal 1 Citizen Involvement To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Staff find that the City has provided adequate notice and opportunity for public involvement for the proposed text amendment and public hearing.

*Goal 2 Land Use Planning To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.*

Staff find that the proposed text amendment fits within the established process and framework. Furthermore, the findings contained within this report establish an adequate factual basis for the proposal.

*Goal 6 Air, Water and Land Resources Quality To maintain and improve the quality of air, water and land resources of the state.*

The proposed Text Amendment is to adopt the most recent update to the County wide flood study, per FEMA requirements. Staff find that the proposal will not have a negative impact on the air, water, or land resources quality of the state.

*Goal 11 Public Facilities and Services To plan and develop a timely, orderly, and efficient arrangement of public facilities and service to serve as a framework for urban and rural development.*

The proposed Text Amendment is to adopt the most recent update to the County wide flood study, per FEMA requirements. In addition, FEMA requires that the City adopt language identifying unfinished basements and other below-grade enclosed facilities, as 'Below-Grade Crawl Space'. The proposed text amendment also includes a new definition of 'Below-Grade Crawl Space', explaining that it is an enclosed area that may be below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height does not exceed four feet at any point except as necessary to provide additional freeboard to achieve a regulated design flood elevation of at least one foot above the base flood elevation. Staff find that the proposal will not impair the City's ability to provide the necessary services.

State Land Use Goal Compliance Summary: Therefore, staff find that the proposed text amendment complies with all of the applicable State Planning Goals.

#### **4. Conclusions**

Based on the facts and findings presented, staff conclude that the proposed amendment to the Development Code is consistent with all the text amendment approval criteria of Section 40.85.15.1.C.1-7.

## 5. Staff Recommendation(s)

Staff offers the following recommendation for the conduct of the July 18, 2018 public hearing for TA2018-0001 (FEMA Floodplain Map Update Text Amendment):

- A. Conduct the public hearing and receive all public testimony relating to the proposal.
- B. Considering the public testimony and the facts and findings presented in the staff report, deliberate on policy issues and other issues identified by the Commission or the public.
- C. Recommend **APPROVAL** of text amendment application TA2018-0001 (FEMA Floodplain Map Update Text Amendment) to the City Council.

## 6. Exhibits

Exhibit 1.1 Text of the Proposed Changes

Exhibit 1.2 FEMA Letter, dated April 19, 2018

Exhibit 1.3 Revised FEMA Floodplain panel 363

Exhibit 1.3.a Revised FEMA Floodplain panel 364

Exhibit 1.3.b Revised FEMA Floodplain panel 527

Exhibit 1.3.c Revised FEMA Floodplain panel 529

## Beaverton Development Code: TA2018-0001 FEMA Floodplain Map Update Text Amendment

### Chapter 60 Revision Required

#### **60.10.10. Floodplain Designation.**

1. Consistent with Clean Water Services Design and Construction Standards, the floodplain is the flood management area and shall include those areas identified by the U.S. Department of Homeland Security's Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Washington County, Oregon and Incorporated Areas", with amendments, dated November 4, 2016, with accompanying Flood Insurance Rate Maps (FIRM), is hereby adopted by reference and declared to be a part of this ordinance. **In addition, the Letter of Final Determination, dated April 19, 2018, with accompanying Flood Insurance Rate Maps, flood profiles, and related data for Washington County and Incorporated Areas, effective October 19, 2018, revises and replaces four panels within Beaverton and near vicinity (Panels 363, 364, 527, & 529 of 650) from the 2016 studies and maps, are hereby adopted by reference and declared to be a part of this ordinance. [ORD 4692; September 2016]** The Flood Insurance Study and revisions are on file with the City Engineer and the City Recorder. [ORD 3563; May 1987] [ORD 4130; December 2000] When base flood elevation data has not been provided in accordance with this section, the City Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer City of Beaverton Code Section 9.05.060, subsections A and D, relating to site development. For all development applications, the best available information as determined by the City Engineer shall be used in the determination of the floodplain limits. [ORD 3563; May 1987] [ORD 4337; January 2005] [ORD 4388; May 2006]

### Chapter 90 Revision Required

**Basement.** A space wholly or partly underground, and having more than one-half (1/2) of its height, measured from the floor to its ceiling, below the average adjoining finished grade. For floodplain regulation purposes in determining building elevation requirements, this shall include any area having its floor subgrade (below ground level) on all sides. **Additionally for the purposes of floodplain regulation and building construction designations, such below-grade enclosed areas that are unfinished and not suitable for active storage or human habitation but rather serve primarily for maintenance access and other incidental uses are considered as a below grade crawl space. [ORD 4392; July 2006] [ORD 4692; September 2016]**

**Below-Grade Crawl Space.** As detailed in FEMA (Federal Emergency Management Agency) Technical Bulletin 11-01, an enclosed area that may be below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the

## EXHIBIT 1.1

top of the crawlspace foundation, does not exceed 4 feet at any point except as necessary to provide additional freeboard to achieve a regulated design flood elevation of at least one foot above the base flood elevation.





# Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:  
115-I

April 19, 2018

The Honorable Denny Doyle  
Mayor, City of Beaverton  
Post Office Box 4755  
Beaverton, Oregon 97076

Community: City of Beaverton,  
Washington County, Oregon  
Community No.: 410240  
Map Panels Affected: See FIRM Index

Dear Mayor Doyle:

On July 12, 2017, you were notified of proposed modified flood hazard determinations (FHDs) affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for the City of Beaverton, Washington County, Oregon. The statutory 90-day appeal period that was initiated on July 26, 2017, when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed FHDs for your community in *The Oregonian*, has elapsed.

FEMA received no valid requests for changes in the FHDs. Therefore, the determination of the Agency as to the FHDs for your community is considered final. The final FHDs will be published in the *Federal Register* as soon as possible. The modified FHDs and revised map panels, as referenced above, will be effective as of October 19, 2018, and revise the FIRM that was in effect prior to that date. For insurance rating purposes, the community number and new suffix code for the panels being revised are indicated above and on the maps and must be used for all new policies and renewals.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Because of the modifications to the FIRM and FIS report for your community made by this map revision, certain additional requirements must be met under Section 1361 of the 1968 Act, as amended, within 6 months from the date of this letter. Prior to October 19, 2018, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the NFIP regulations. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes the adoption of the effective FIRM and FIS report to which the regulations apply and the modifications made by this map revision. Some of the standards should already have been enacted by your community. Any additional requirements can be met by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);

2. Adopting all the standards of Paragraph 60.3(d) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the 1973 Act as amended.

A Consultation Coordination Officer (CCO) has been designated to assist your community with any difficulties you may be encountering in enacting the floodplain management regulations. The CCO will be the primary liaison between your community and FEMA. For information about your CCO, please contact:

Mr. David M. Ratté  
Engineer, Federal Emergency Management Agency, Region 10  
130 - 228th Street, Southwest  
Bothell, WA 98021-8627  
(425) 487-4657

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment (LOMAs), Letters of Map Revision (LOMRs)) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the Special Flood Hazard Area as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based is being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIRM and FIS report for your community have been prepared in our countywide format, which means that flood hazard information for all jurisdictions within Washington County, Oregon has been combined into one FIRM and FIS report. When the FIRM and FIS report are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be

obtained by calling our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA-MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If you have any questions regarding the necessary floodplain management measures for your community or the NFIP in general, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Chicago, Illinois, at (425) 487-4600 for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call our FMIX at the number shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the NFIP*, *Use of Flood Insurance Study (FIS) Data as Available Data*, *Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <http://www.floodmaps.fema.gov/lfd>. Paper copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis Rodriguez, P.E., Director  
Engineering and Modeling Division  
Federal Insurance and Mitigation Administration

Enclosure:

Final Summary of Map Actions

cc: Community Map Repository

James J. Duggan, Site Development Manager, City of Beaverton

Christine Shirley, CFM, State NFIP Coordinator, Oregon Department of Land Conservation and Development

David Lentzer, Oregon Risk MAP Coordinator, Oregon Department of Land Conservation and Development









